



Our History

75 years
1928–2003

The Queensland Law Society in its present form has existed for 75 years, but it has its origins more than 50 years earlier. The first Queensland Law Society was formed at a meeting of 15 solicitors held at the Supreme Court in Brisbane on 7 August 1873. Robert Little chaired the meeting which was attended by J P Lyons, T W Daly, Henry Scott, W H Wilson, Thomas Bunton, H C Beeston, C S Mein, John O’Cock, Peter Macpherson, G V Hellicar, G L Hart, D F Roberts, W K Macnish and W E Murphy. The original Society made some significant advances for the legal profession, including the reporting of Supreme Court cases. However, its failure to reach a successful outcome over important issues, such as allowing solicitors to appear in court and its inability to effectively discipline errant solicitors, saw support for the Society decline. The replacement organisation, the Queensland Law Association, formed a few years later in 1883. The first Council, G L Hart, A J Thynne, A W Chambers and N I Brown were elected at the meeting which established the Association in March 1883. The Association continued as the representative body for Queensland solicitors until incorporation of the Society in 1927.

The Queensland Law Society Incorporated came into existence under legislation passed in the Queensland Parliament in December 1927, while the *Queensland Law Society Incorporation Act* came into force on 1 April 1928. The aim of the legislation was to place regulation of the solicitors’ branch of the legal profession in the hands of the solicitors’ own organisation. This aspect of the new Law Society Act was widely publicised in the Brisbane daily press. The legislation provided that the Law Society was to be administered by an elected Council chaired by the President of the Society.

The first set of rules which governed the provisional Council and the organisation of the first Council election was gazetted on 24 December 1927, and nominations for the positions of President, Vice President and eight Councillors closed on 7 March 1928. The first Council included many familiar people from the old association, including the President R J McNab. E K Tully became Vice President and the other members of the first Council were W H Conwell, J Crawford, F T Cross, E R Crouch, W F Lalor, HG Simpson, J A Walsh, F W Mole (the Public Curator, who was appointed to represent the conveyancers) and H J H Henschman (who represented the Attorney-General, John Mullan). Neville Henderson was reappointed part-time Secretary. The Society initially used Neville Henderson’s office as its premises and paid a portion of his secretary’s salary.

The membership roll stood at 312 at the end of the first year. Only 40 practising solicitors chose to pay the compulsory practising certificate fee of two guineas without paying the additional one guinea membership fee. The Rule regarding practising certificates was vigorously policed. In October 1929, eighteen months after the inauguration of the new Society, four practitioners were prosecuted and fined for failing to apply for certificates.

The first major amendment to the Society’s Incorporation Act was caused by the conduct of Robert McCowan, a Brisbane solicitor. McCowan was arrested in 1929 and charged with fraud for misappropriating funds from his trust account. It began to emerge that McCowan had first misappropriated funds more than 10 years earlier, when he experienced the first of many serious gambling losses. By the time of his arrest, the total sum involved in seven separate charges was nearly £20 000.

The Society began to investigate methods of preventing future serious losses to clients of defaulting solicitors. Amendments to the *Trust Accounts Act* and its regulations were delayed, but the problem of clients who suffered as a result of defaulting solicitors was addressed immediately. The solution, like the Incorporation Act itself in 1927, was imitative. This time, recent legislation in New Zealand which created a fund to guarantee client funds was chosen as the model for an amendment to the Act to create the Fidelity Guarantee Fund. The Rules which governed the operation of the Fund were drafted by F T Cross and gazetted in April 1931. The amended Act came into force on 1 June.

The demands of wartime conditions provided the Law Society with opportunities to provide new services to the profession and to the public.

The trend towards expanded services to members and a broader public profile continued into the postwar era. Establishing administrative structures and disciplinary procedures dominated Society activities before the Second World War.

Several of the Society’s old stalwarts stayed on the Council during the war. Former Presidents J A Walsh, F T Cross and G R H Gill remained and H J H Henschman continued to represent the Minister.

The Society’s administrative structure changed when Neville Henderson left on war service in June 1941 and his partner, T G G Lahey was appointed Acting Secretary. Kathleen Horwood, Neville Henderson’s secretary, was appointed Assistant Secretary in May 1937. She resigned from the Law Society on her marriage in January 1941.

Beryl Killeen Donkin succeeded Kathleen Horwood as Assistant Secretary, and became the Society’s first full time employee on a salary of £4 a week. She went on to serve the Society for more than 40 years, providing administrative continuity during two major periods of Law Society expansion. Beryl Donkin assumed the statutory position of Secretary when it was formalised by the *Queensland Law Society Act* in 1954, becoming chief administrative officer of the Society and solely responsible for all Society affairs until the appointment of an Executive Officer in 1975. During the 1960s, when country solicitors became increasingly dissatisfied with the “Queen Street” nature of Law Society administration, Beryl Donkin became a trusted advisor and confidante of district associations and a valuable link between city and country. Miss Donkin was awarded the OBE at



R J McNab
Last President, Queensland Law Association.
First President, Queensland Law Society.



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Buckingham Palace in 1975 for “her dedicated and untiring services to the Queensland Law Society”.

On 1 February 1991 Beryl Donkin passed away just over nine years after her retirement from the Law Society. Later that year, the Beryl Donkin Memorial Award was launched at a meeting of the Women Lawyer’s Association of Queensland (WLAQ), of which Beryl Donkin had been a foundation and honorary member. The annual award was to be given to any Queensland resident, who holds a Bachelor of Laws (or its equivalent), and its purpose was the promotion of professional development and advancement. A trust was set up to administer the awards and the WLAQ gave a “generous donation” to start the fund.

The Law Council of Australia loomed large in Queensland Law Society affairs both before and after the Second World War, when two Australian Legal Conventions were held in Brisbane. The first was held in 1939 and was extensively reported in the Brisbane newspapers. The war interrupted Law Council activities and the next convention was not held until 1948. In 1955 it was again Brisbane’s turn. Len Butts was President of the Law Council and a young solicitor, Horwath Edkins “Tony” Peterson was asked to be honorary secretary to the convention. The 1955 Law Council of Australia convention was the first of H E Peterson’s many contributions to Law Society affairs, before he became President in 1976.

Assistance to the armed forces was a prominent initiative. The first move was made on 5 September 1939, two days after war was declared. The Law Society decided that solicitors should prepare soldiers’ wills and powers of attorney free of charge. The next step in extending legal assistance in Queensland was taken at the request of the Army rather than on the Society’s own initiative. In August 1940, Northern Command asked the Law Society if it could implement a general legal aid scheme.

The establishment of wartime legal aid schemes spurred discussion of ways of extending legal assistance beyond servicemen and their dependants, and eventually led to the *Queensland Legal Assistance Act*, which came into force on 14 February 1966. The scheme was officially opened in May 1966 in the legal assistance office next to the Society’s premises.

Dissatisfaction with the availability and standard of legal education in Queensland was frequently expressed during the first 30 years of the Society’s history and echoed concerns raised decades before the Society’s foundation. There was no university law school in Queensland until 1935 whereas law schools were established at the University of Sydney in 1870 and the University of Melbourne in 1880. Even after teaching in the Faculty of Law at the University of Queensland began, most solicitors qualified for admission through the Solicitors’ Board examinations rather than the university degree course. The proportion of solicitors with university degrees gradually increased during the

1950s and 1960s when the university course became accessible to more students.

The Society’s annual Symposium began as an experimental seminar on the *Matrimonial Causes Act* in 1961. The Sunshine Coast resort town of Caloundra was chosen as the venue by the organising committee of C H Wilson, A C Freeleagus and H E Peterson. The seminar was a resounding success with 109 solicitors and articled clerks, some accompanied by their families, attending. The second seminar, devoted to the new *Companies Act*, was held at Lennons Hotel at Broadbeach on the Gold Coast in June 1962. The annual seminar was officially renamed as the Queensland Law Society Symposium in 1964.

The early Symposia included many sessions on matters of current concern to the profession. In 1969, Mr W H Hart delivered a paper on Legal Ethics and Professional Courtesies, which was circulated to all solicitors. The tenth Symposium in 1970 departed from the original format. The Bar Association was asked to join the Society in organising the Symposium on the basis that it would suggest ideas for papers and speakers but would not share in any profits or losses.

Although Symposium was the public face of the Society’s post-admission educational activity, it was not the only form of further education pioneered during the 1960s. The Young Members Committee was the driving force behind the next initiative, a series of postgraduate discussion groups and seminars which eventually grew into organised continuing legal education, with CLE officially becoming the term used to describe the lecture programme during 1977.

In that same year, the Society re-examined the entire CLE situation and in 1978, as an interim step, J B Taylor, administrator of the professional indemnity scheme, was asked to act as secretary for CLE activities and to represent the Society on the federal CLE coordinating committee.

The growth of CLE activities meant that the first fulltime director, B J O’Callaghan was appointed in July 1979. The first seminar in 1980 sounded the keynote – “Push your Practice into the 80s”. During the 1980s, the CLE department used new technology to produce audio and video tapes to facilitate the distribution of material to rural areas.

The expansion of Society activities in the decades after 1960 was not limited to the encouragement of special interest groups, new developments in legal education and the introduction of legal assistance schemes. A number of new measures, aimed at improving the Society’s effectiveness in professional self-regulation, were introduced to strengthen and broaden its disciplinary functions.

President W H Hart played a major part in amending the Society’s Act to allow a receiver to be appointed to administer the practices of solicitors who had been struck off the Roll. William Hamilton Hart became a very important influence in the whole area of discipline and ethics during the 1960s. The new section provided that the Fidelity Fund would pay the costs of receiverships and gave properly appointed receivers the right to enter premises where documents were held. The amendment also gave the Society power



*Beryl Killeen Donkin OBE
at Buckingham Palace.*



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to appoint a receiver to the practice of a sole practitioner who died.

The suggestion that the Society could organise indemnity insurance for the profession was first mentioned in 1949. The discussion lapsed until 1962 when rising premiums prompted the Society to reconsider the introduction of an indemnity scheme to cover all solicitors.

In 1963 the Society obtained from an insurance broker an estimate of the cost of £15 000 protection for each solicitor as a guide for future investigation. C H Wilson and Sholto Douglas continued to work on the idea and developed a plan which allowed for a primary fund to be set up by contributions from practitioners, to be used to cover the first £5000 of a negligence claim. Although this idea was not implemented, Wilson and Douglas continued to investigate other avenues.

Debate over the possible implementation of an insurance scheme continued at various times throughout the 1960s and 70s. Eventually, at a special general meeting held on 28 February 1978, Society members voted overwhelmingly in favour of the introduction of a compulsory PII scheme, based on a similar system in use in England and a proposal from brokers Minets. A new Law Claims department was added to the Society's structure at this time to manage the scheme.

The Law Claims Levy Fund was established in 1987 and provided PII to Queensland solicitors until 1995. While not an insurance company, the fund retained the primary layer of risk. In the mid 1990s, the Society began to consider creating its own commercial vehicle for indemnity insurance, and on 22 March 1996, the Law Claims department was closed to make way for the Australia Pacific Professional Indemnity Insurance Company Ltd (APPIIL). This was a significant milestone for the Society, with the formation of APPIIL proving that the Society was able, through skilful leadership and determination, to take command of the important issue of indemnity insurance for its members. In 2001, the Society's insurance services took another significant step forward, with the incorporation of QLS Insurance Pte Ltd, a wholly owned QLS subsidiary licensed as a general insurer, with the intention to participate in the retail or reinsurance level in the PII scheme. The company now helps to provide \$1.5 million cover for each individual claim under the scheme.

Growth in the profession and the development of the Society's responsibilities and activities in the period after 1960 changed the Society's administrative structure. These changes were most pronounced after the mid 1970s when the period of greatest growth began. In 1970, 815 practising certificates were issued, an increase of just over 50% on the 565 certificates issued in 1960; in 1980, 1517 certificates were issued, an increase of nearly 100% on the numbers in 1970. The number of practising solicitors more than doubled again in the 1980s. The profession thus grew sixfold in the period 1960-1990.

The broader span of Society activities and the increased complexity of administration of the profession affected the Presidency in several ways.

During the 1970s and 1980s, it became a higher profile position both within the community and among the rapidly growing profession.

The development of the professional indemnity scheme, the greater complexity of the disciplinary structure, the growth of CLE and a much greater financial turnover all required the President's attention and involvement. In order to reduce the demands on each President, the Act was amended in 1980 to reduce the Presidency from a two year to a one year term. From 1981, each President was paid an honorarium to compensate for some of their time.

Communication with members was improved greatly with the launch of *The Proctor* as the official newsletter of the Queensland Law Society in May 1982. The inaugural edition stated that: "*The Proctor's* tone will be informal, on occasions, irreverent, its subject matter events and issues of passing or immediate rather than lasting interest to members". *The Proctor's* first editor-in-chief was current QLS Vice President Ron Ashton.

The Proctor coexisted for a number of years with another major Society publication, *The Queensland Law Society Journal*. *The Journal's* objective was to "publish high quality articles on a broad range of legal topics, of interest to the profession and suitable for retention as a permanent reference base". Production of the *Journal* ceased in 1996, with many of its function assumed by *Proctor*.

In 1986, the Society employed a part-time librarian for the first time and set up a library for staff use. The collection consisted of a miscellany of law reports, texts and loose leaf services. The library was opened to members in May 1994, with members able to access the library facilities in person, by fax or by letter. Computers were installed in the library to access CD-ROM and disk databases. The new Members' Library was officially opened by the then Federal Attorney-General, the Hon Michael Lavarch, in June 1994. Since then, the library's collection has grown and usage by the legal profession has steadily increased. The library has become a significant resource which members have come to rely on to assist them in their practice.

The first women to participate in the Law Society government were elected after 1980. The first of these, Elizabeth Nosworthy, became President in 1986. She was one of the few Australian women solicitors to practice in the commercial financing area. She was portrayed in the *Journal* as a "woman of strong views and succinct expression thereof". Julie Ann Schafer, who was elected in 1988, became the second woman to join the Council, and in 1995/96 was elected President.

Julie Ann Schafer was largely responsible for the development of *Client Care*, another QLS first for Australia. Coming into effect on 5 April 1993, the service orientated consumer protection program provided "information about costs, steps involved in the proposed action for the client, who to contact if a problem arises, and up-front advice to clients on what to do if they are dissatisfied with any aspect of the solicitors' service."

The development of Law Society staff and the emergence of a departmental structure put tremendous pressure on the Society's



Elizabeth Nosworthy.
President, Queensland Law Society 1986.



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accommodation. The Society's first office was Neville Henderson's desk in the small suite of offices occupied by the firm of Henderson and Lahey in the old T & G Building at 135 Queen Street and, after March 1929 in the National Mutual Building at 293 Queen Street. The Society remained in these offices for nearly four decades apart from the period during the war when the National Mutual Building was impressed for war use.

In July 1963 the National Mutual advised that it would need most of the Society's space within the next couple of years, and the Society eventually moved to Qantas House at 288 Queen Street on 16 May 1966. In early 1981, the Society was advised that Qantas House was to be demolished in December 1981. Once again it was necessary to make the rounds of possible buildings, with the Society moving to Law Society House at 96 Albert Street on 26 September 1981.

In November 1985, a vacant site next to the People's Palace in Ann Street came on the market after an insurance company did not exercise its option to buy. The Society moved quickly and secured a 14 day option on the site. In December 1985, the Society notified the profession that it intended to build its own building. The move from 96 Albert Street to the current Law Society House took place in October 1987. When the Society took possession of its new premises, the total cost of the building and fit-out was \$6.6 million.

The Queensland Governor, Sir Walter Campbell, officiated at a glamorous opening ceremony on 17 December 1987.

The Society has been through continuous periods of change during its existence, which has already spanned parts of three centuries. It has now entered an exciting time in its history, which has demanded, and will continue to demand, changes in service delivery. For the Society to achieve its business goals in the light of a rapidly changing environment, attention will continue to focus on developing more responsive products and services, providing user friendly ways to deliver services to members and improving member awareness of the role and services of the Society.



Sir Walter Campbell and PD Channell, President New building opening, December 1987

Presidents Queensland Law Society Inc

1928	R J McNab (died in office)	1985-86	D M Byrne
1928-29	E K Tully	1986-87	E A Nosworthy
1930-32	J A Walsh	1987-88	P D Channell
1932-34	W F Lalor	1988-89	R J Grainger-Smith
1934-36	G R H Gill	1989-90	G J Vickery
1936-38	F T Cross	1990-91	P J Short
1938-40	W P Rowland	1991-92	O Rinaudo
1940-42	L P Power	1992-93	G C Fox
1942-43	A E Robinson (died in office)	1993-94	M P Baumann
1943-44	G R H Gill	1994-95	J F O'Sullivan
1944-46	T J Bale	1995-96	J A Schafer
1946-48	E R Cuppaidge	1996-97	H C Grant
1948-50	J F Fitzgerald	1997-98	Dr J G Mann
1950-52	L W H Butts	1998-99	P E M McCafferty
1952-54	J Paterson	1999-00	P D Carne
1954-56	W H Boyd	2000-01	R Giudes
1956-58	J Casey	2001-02	J Tooma
1958-60	J G Drake	2002-03	T M Sullivan
1960-62	W H Hart		
1962-64	(Sir) E S Douglas		
1964-66	(Sir) J J Rowell		
1966-68	C H Wilson		
1968-70	J H Lalor		
1970-72	J R Nosworthy		
1972-74	P T Crouch		
1974-76	S C H Foote		
1976-78	H E Peterson		
1978-80	G A Murphy		
1980-81	J S P O'Keefe		
1981-82	R K Hill		
1982-83	D J Wadley		
1983-84	G B Gargett		
1984-85	J C Carey		

Note: Amendment to Law Society Rules – presidential term reduced from two years to one year from 1980.